

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA,

- against -

ALAN SCHAEFER,

Defendant.

NOTICE OF MOTION

07 Cr. 498 (DAB)

SIRS:

PLEASE TAKE NOTICE, that upon the annexed Affirmation of Gary G. Becker, dated March 11, 2008, the Affidavit of Terri Robenblatt, dated March 7, 2008, the attached exhibits, the Memorandum of Law, and all papers and proceedings heretofore had herein, ALAN SCHAEFER, will move this Court, before the Honorable Deborah A. Batts, at the United States Courthouse located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order:

- (1) Dismissing the Indictment because it lacks essential allegations of fact and fails to provide adequate notice of the offense charged;
- (2) Dismissing the Indictment because the underlying statute, 18 U.S.C. §2422(b), is unconstitutionally vague and overbroad, on its face and as applied, in violation of Mr. Schaefer's rights under the First and Fifth Amendments to the Constitution;
- (3) Scheduling a hearing to determine whether the government participated in a violation of New York State's Grand Jury Secrecy Laws and for suppression of evidence if such a violation is found;

- (4) Requiring the government to provide a bill of particulars;
- (5) Granting Mr. Schaefer leave to supplement these motions; and
- (6) Granting such other and further relief as this Court deems just and proper.

Dated: New York, New York

March 11, 2008

Yours, etc.

GARY G. BECKER, L.L.C.

By:


Gary G. Becker
200 West 57th Street, Ste. 900
New York, NY 10019
212-981-1980
Attorney for Alan Schaefer

TO: Clerk of the Court

Christian Everdell
Assistant United States Attorney